

Amendment No. 1 to HJR0774

**Davidson
Signature of Sponsor**

AMEND <SB>

HJR No. 774*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting the preamble clauses of the introduced resolution in their entirety and by substituting instead the following language:

WHEREAS, throughout the history of this country, African-Americans have made substantial contributions to the agricultural industry in the United States; and

WHEREAS, in 1920, there were 925,000 African-American farms in the United States; and

WHEREAS, today there are fewer than 18,000 African-American farms in the United States, and that number is steadily decreasing; and

WHEREAS, the United States Congress created the United States Department of Agriculture "USDA" in 1862, and charged it with a variety of duties concerning the agricultural industry, including the administration of farm loans and credit extensions; and

WHEREAS, many farmers rely on the timely administration of USDA loan and benefit programs in order to compensate for lean production periods and to assist with operations improvements; and

WHEREAS, decisions as to whether a credit application will be approved are made on the local county level by a county committee, headed by a county executive who is responsible for assisting farmers with credit and benefit applications, and for making recommendations to the committee as to which applications should be approved; and

WHEREAS, in 1998, across the United States, only 37 of 8,147, or .45% of all the USDA county commissioners were African-American; and

WHEREAS, in the Southeastern region of the country, where most African-American farmers are based, about 1% of USDA county commissioners are African-American; and

WHEREAS, in many instances, when monies are made available to African-American farmers, the funds are placed in a supervised bank account, that requires a county supervisor's

signature before the farmer can withdraw money; white farmers are not usually bound to this requirement; and

WHEREAS, the USDA Office of Civil Rights Enforcement and Adjudication ("OCREA") was created to provide a system through which African American farmers could formally lodge complaints and seek redress of racial discrimination claims; and

WHEREAS, according to a USDA Inspector General report issued in 1997, many discrimination complaints were never processed, investigated, or otherwise resolved, and the discrimination complaint process at the Farm Services Agency lacked "integrity, direction, and accountability"; and

WHEREAS, the delays in processing African-American farmers discrimination claims often resulted in the farmer's loss to the right to the claim, as the statute of limitations had run out on many of the claims; and

WHEREAS, in 1997, three African-American farmers' consolidated their racial discrimination claims into one class action lawsuit, which included as the certified class, all African-American farmers operating between 1981 and 1996, who applied for credit or benefits with the USDA and were discriminated against in the USDA's response to the application, and who filed a discrimination complaint before July 1997 regarding the USDA's response to the application; and

WHEREAS, in January 1999, the African-American farmers and the USDA entered into a five-year Consent Decree, and in April 1999, the court approved the settlement and assigned four neutral entities to facilitate implementation of the Consent Decree; and

WHEREAS, Judge Paul Friedman of the United States District Court for the District of Columbia wrote in the Consent Decree, that,

"For decades, despite its promise that 'no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of an applicant or recipient receiving Federal financial assistance from the Department of Agriculture', the Department of Agriculture and the county commissioners discriminated against African American farmers when they denied, delayed, or otherwise frustrated the applications of those farmers for farm loans and other credit and benefit programs. Further compounding the problem, in 1983 the Department of Agriculture disbanded the OCREA and stopped responding to discrimination claims. These events were the

culmination of a string of broken promises that had been made to African-American farmers for well over a century"; and

WHEREAS, in 2003, the USDA Secretary created a civil rights office to expedite handling of African-American farmers' claims, yet that office has not been successful in addressing the claims, as the volume of claims far outweighs the resources available to handle the claims; now, therefore,